

IN RE: PETITION FOR ZONING VARIANCE
NW/4 Philadelphia Road, 550' SW
of the C/1 of Lloyd Avenue
(11502 Philadelphia Road)
11th Election District
5th Councilmanic District
Richard Sheppard
Petitioner

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 92-142-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a variance from Section 203.4A of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a lot width of 50 feet in lieu of the required 55 feet and a side yard setback of 5 feet in lieu of the required 10 feet for a proposed new dwelling in accordance with Petitioner's Exhibit 4.

The Petitioner appeared and testified. There were no Protestants.

Testimony indicated that the subject property, known as 11502 Philadelphia Road, consists of 8,858.85 sq.-ft. zoned R.O. and is improved with a 1.5 story dwelling and detached garage. Petitioner is desirous of replacing the existing structure with a new dwelling in accordance with Petitioner's Exhibit 4. Mr. Sheppard testified he inherited the subject property 2 years ago from his father who had resided in the subject dwelling for 25 years. Testimony indicated the existing structure is in poor condition and is too small to accommodate his growing family. Mr. Sheppard testified the requested variances are necessary in order to construct the proposed dwelling utilizing the same front and left side yard setbacks due to the size of the lot and the location of existing improvements thereon. To support his request, Petitioner submitted letters from two of his neighbors on the affected side indicating they have no objections to the relief requested. Further, Petitioner testified that the nearest house on the

other side of the property is 300 feet away. Testimony indicated the relief requested will not result in any detriment to the health, safety or general welfare of the surrounding community.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Sokey, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variance is granted, such use as proposed would not be contrary to the spirit of the B.C.Z.R. and would not result in substantial detriment to the public health, safety, and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 12th day of November, 1991 that the Petition for Zoning Variance from Section 203.4A of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a lot width of 50 feet in lieu of the required

55 feet and a side yard setback of 5 feet in lieu of the required 10 feet for a proposed new dwelling, in accordance with Petitioner's Exhibit 4, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
- 2) Prior to building permit application, Petitioner shall contact the Department of Environmental Protection and Resource Management (DEPRM) to evaluate the existing septic system and soils suitability for expansion of the septic system.
- 3) When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

Timothy M. Kotrocco
TIMOTHY M. KOTROCCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

November 12, 1991

Mr. Richard Sheppard
11502 Philadelphia Road
White Marsh, Maryland 21162

RE: PETITION FOR ZONING VARIANCE
NW/4 Philadelphia Road, 550' SW of Lloyd Avenue
(11502 Philadelphia Road)
11th Election District - 7th Councilmanic District
Richard Sheppard - Petitioner
Case No. 92-142-A

Dear Mr. Sheppard:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

Very truly yours,

Timothy M. Kotrocco

TIMOTHY M. KOTROCCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: People's Counsel

File

ORDER RECEIVED FOR FILING

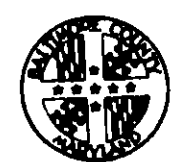
Date 11/14/91
By [Signature]

ORDER RECEIVED FOR FILING

Date 11/14/91
By [Signature]

- 2 -

- 3 -



Petition for Variance

92-142-A

to the Zoning Commissioner of Baltimore County

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 203.4.A to allow a lot width of 50' in lieu of the required 55' and a side yard setback of 5' in lieu of the required 10'.

The undersigned, legal owner(s) of the property situate in Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty) TO CONSTRUCT A NEW DWELLING WITH A SIDE YARD SET-BACK OF 5' IN LIEU OF THE REQUIRED 10' SET-BACK IN AN AREA ZONED R-O, BECAUSE OF THE PRESENT POOR CONDITION OF THE PRESENT DWELLING AND THE SMALL SIZE IT IS NOT FEASIBLE TO ADD ON OR REPAIR THE STRUCTURE. THE NEW DWELLING WOULD HAVE THE SAME FRONT YARD SET-BACK AND LEFT SIDE YARD SET-BACK, ALONG WITH A SIMILAR PROFILE, BEING THAT OF A CAPE COD STYLE.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City and State

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

City and State

Attorney's Telephone No.:

I/we do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Legal Owner(s):

RICHARD SHEPPARD

(Type or Print Name)

Signature

(Type or Print Name)

Signature

11502 Philadelphia Road, 256-7612

Address

White Marsh, MD, 21162

City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted

Name

Address

Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING - 1/2HR. - 1HR.

AVAILABLE FOR HEARING

MON./TUES./WED. - NEXT TWO MONTHS

ALL OTHER DATE

REVIEWED BY: DATE

ZONING DESCRIPTION

92-142-A

Beginning at a point on the Northwest side of Philadelphia Road, which is 40' wide at the distance of 550 +/- southwest of the centerline of the nearest improved intersecting street Lloyd Avenue. Thence leaving said road and running north 48-22 west 176.30 feet, thence south 45-15 west 51.10 feet, thence south 48-22 east 178.32 feet, thence north 42-56 east 50.01 feet to the point of beginning, containing .204 acres being located the 5th Councilmanic District and 11th Election District. Also being known as 11502 Philadelphia Road.

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 11 Date of Posting: 11/14/91
Posted for: Richard Sheppard
Petitioner: Richard Sheppard
Location of property: 11502 Philadelphia Road, White Marsh, MD 21162
Location of Sign: 11502 Philadelphia Road, White Marsh, MD 21162
Remarks: None
Posted by: [Signature] Date of return: 11/17/91
Number of Signs: 1

CERTIFICATE OF PUBLICATION

THIS IS TO CERTIFY, that the annexed advertisement was published in the NORTHEAST TIMES BOOSTER and the NORTHEAST TIMES REPORTER, weekly newspapers published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 10/17/91.

NORTHEAST TIMES BOOSTER and the
NORTHEAST TIMES REPORTER

Publisher

[Signature]

NOTICE OF HEARING
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 108 of the County Office Building, located at 111 West Chesapeake Avenue in Towson, Maryland 21204 at 10:00 a.m. on the following date:
Case Number: 92-142-A
NW/4 Philadelphia Road, 550' SW of Lloyd Avenue
11502 Philadelphia Road
11th Election District
5th Councilmanic District
Petitioner: Richard Sheppard
Hearing Date: Wednesday, Nov. 6, 1991 at 9:00 a.m.
Variance to allow a lot width of 50 feet in lieu of the required 55 feet and a side yard setback of 5 feet in lieu of the required 10 feet.
LAWRENCE E. SCHMIDT, Zoning Commissioner of Baltimore County
N/10/182 October 17

CERTIFICATE OF PUBLICATION

TOWSON, MD. 10/18/91

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 10/17/91.

THE JEFFERSONIAN,

S. Zeke Orkin
Publisher

10/18/91



Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

receipt

Date

Account: R 001-4150
Number

H9200150

PUBLIC HEARING FEES

071

PRICE

010 ZONING VARIANCE (FRL)

1 X

\$35.00

LAST NAME OF OWNER: SHEPPARD

TOTAL:

\$35.00

04A040022NCHRC

84 (010)04009-26-91

Please Make Checks Payable to: Baltimore County

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21204

887 3353

COPY

DATE: 25 9

Richard Sheppard
11502 Philadelphia Road
White Marsh, Maryland 21162

RE:
CASE NUMBER: 92-142-A
M/S Philadelphia Road, 550' (+/-) SW of c/l Lloyd Avenue
11502 Philadelphia Road
11th Election District - 5th Councilmanic
Petitioner(s): Richard Sheppard
HEARING: WEDNESDAY, NOVEMBER 6, 1991 at 9:00 a.m.

Dear Petitioner(s):

Please be advised that \$ 9/34 is due for advertising and posting of the above captioned property.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please forward your check via return mail to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland 21204. It should have your case number noted thereon and be made payable to Baltimore County, Maryland. In order to prevent delay of the issuance of proper credit and/or your order, immediate attention to this matter is suggested.

ZONING COMMISSIONER
BALTIMORE COUNTY, MARYLAND

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21204

887 3353

COPY

OCTOBER 4, 1991

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

CASE NUMBER: 92-142-A
M/S Philadelphia Road, 550' (+/-) SW of c/l Lloyd Avenue
11502 Philadelphia Road
11th Election District - 5th Councilmanic
Petitioner(s): Richard Sheppard
HEARING: WEDNESDAY, NOVEMBER 6, 1991 at 9:00 a.m.

Variance to allow a lot width of 50 feet in lieu of the required 55 feet and a side yard setback of 5 feet in lieu of the required 10 feet.

cc: Richard Sheppard

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21204

887 3353

October 29, 1991

Mr. Richard Sheppard
11502 Philadelphia Road
White Marsh, MD 21162

RE: Item No. 150, Case No. 92-142-A
Petitioner: Richard Sheppard
Petition for Variance

Dear Mr. Sheppard:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to assure that all parties, i.e. Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a review by Zoning personnel.

Zoning Plans Advisory Committee Comments
Date:
Page 2

2) Anyone using this system should be fully aware that they are responsible for the accuracy and completeness of any such petition. All petitions filed in this manner will be reviewed and commented on by Zoning personnel prior to the hearing. In the event that the petition has not been filed correctly, there is always a possibility that another hearing will be required or the Zoning Commissioner will deny the petition due to errors or incompleteness.

3) Attorneys and/or engineers who make appointments to file petitions on a regular basis and fail to keep the appointment without a 72 hour notice will be required to submit the appropriate filing fee at the time future appointments are made. Failure to keep these appointments without proper advance notice, i.e. 72 hours, will result in the loss of filing fee.

Very truly yours,
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:jw
Enclosures

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21204

887 3353

Your petition has been received and accepted for filing this 24th day of September, 1991.

ARNOLD JABLON
DIRECTOR

Received By:
Chairman,
Zoning Plans Advisory Committee

Petitioner: Richard Sheppard
Petitioner's Attorney:

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration and
Development Management

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

SUBJECT: Sheppard Property, Item No. 150

DATE: October 11, 1991

The petitioner is requesting a Variance to permit a 50 ft. width in lieu of the minimum 55 ft. required. Staff has the following comments on the above request:

In instances such as these, staff's primary concerns are:

1. What is the impact on adjoining property?
2. Are adequate front, side and rear yard setbacks being provided on the site?
3. Will the reduced lot sizes result in requests for additional variances when subsequent lot owners try to build unsuitable homes on the lots or expand homes into required areas?

Based upon the information provided and analysis conducted, staff recommends that if the request is granted, the following conditions be attached:

- All building setback lines (front, side, rear) shall be shown on the site plan and recorded by the applicant on the deed of record. Furthermore, a statement shall be attached to the site plan which clearly states that all development shall conform to the setbacks as shown and additional variances shall not be granted for setbacks on the subject property.
- Any applications for building permits shall include a copy of the site plan and the commissioner's "Findings of Fact and Conclusion of Law," provided by the applicant.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/rdn
ITM150/TXTROZ

BUREAU OF TRAFFIC ENGINEERING
DEPARTMENT OF PUBLIC WORKS
BALTIMORE COUNTY, MARYLAND

DATE: October 23, 1991

TO: Mr. Arnold Jablon, Director
Office of Zoning Administration
and Development Management

FROM: Rahee J. Famili

SUBJECT: Z.A.C. Comments

Z.A.C. MEETING DATE: October 8, 1991

This office has no comments for item numbers 144, 145, 147, 149, 150, 151, 152, 157 and 158.

Rahee J. Famili
Traffic Engineer II

RJF/lvd

Baltimore County Government
Fire Department

700 East Joppa Road, Suite 901
Towson, MD 21204-5500

(410) 887-4500

OCTOBER 17, 1991

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204

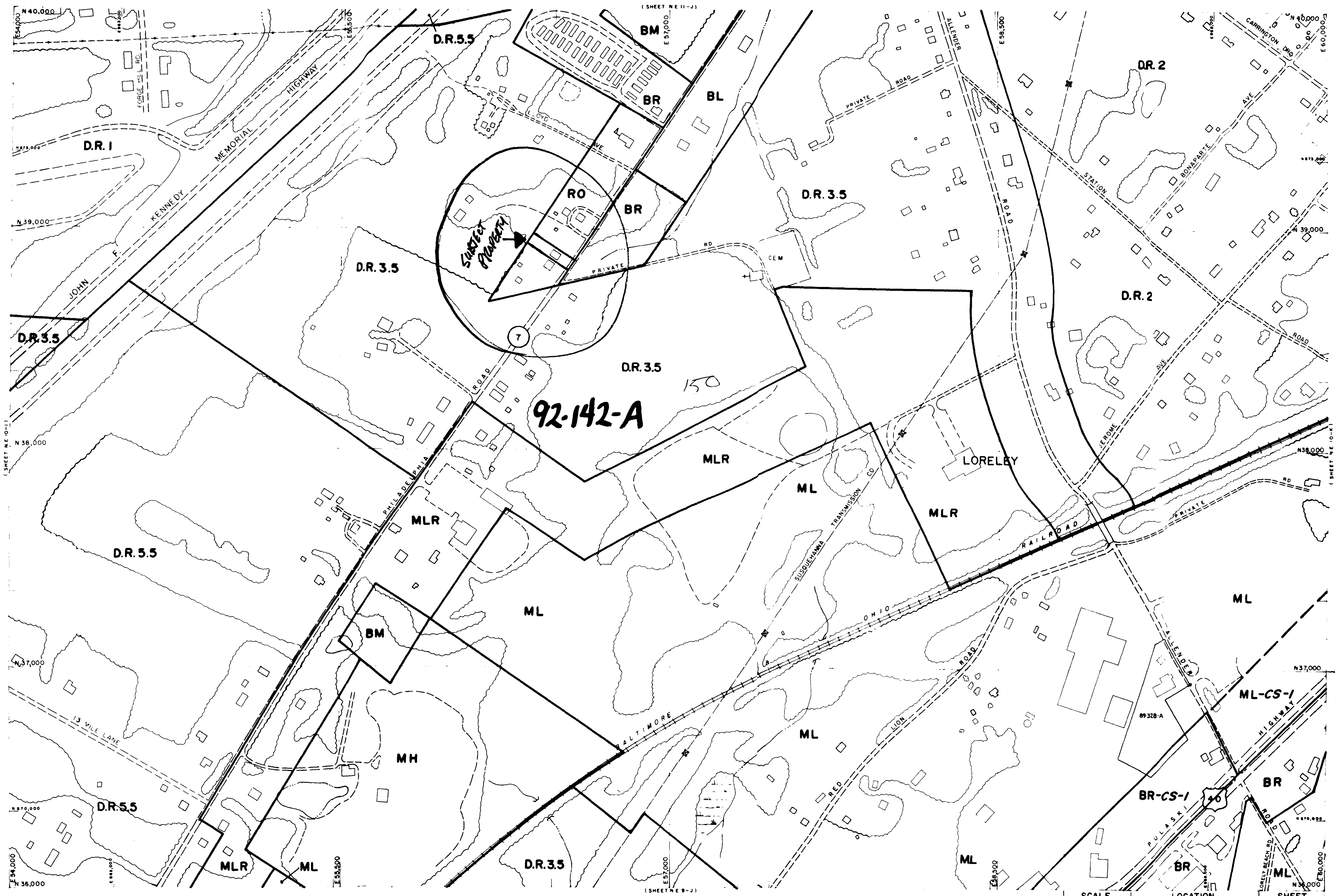
RE: Property Owner: RICHARD SHEPPARD
Location: 11502 PHILADELPHIA ROAD
Item No.: 150
Zoning Agency: OCTOBER 6, 1991

Certification:
Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

7. The Fire Prevention Bureau has no comments at this time.

REVIEWED BY: [Signature] DATE: [Signature]
Special Inspection Division

JF/lvd



M - NE M - NW
Q - SE QQ - SW

1988 COMPREHENSIVE ZONING MAP
Adopted by the Baltimore County Council
Oct. 13, 1988
Btl Nos. 144-88, 145-88, 146-88, 147-88, 148-88, 149-88, 150-88
Chairman, County Council

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING OFFICIAL ZONING MAP

SCALE 1" = 200'	LOCATION LORELEY	SHEET NE 10-J
DATE OF PHOTOGRAPHY JANUARY 1986		

THIS MAP HAS BEEN REVISED IN SELECTED AREAS.
TOPOGRAPHY COMPILED BY PHOTOGRAMMETRIC METHODS
BY BUCHART-HORN, INC. BALTIMORE, MD. 21210